

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARNELL HATTEN,	)	
	)	Civil Action No. 2: 13-cv-01302
Petitioner,	)	
	)	Chief United States District Judge
v.	)	Joy Flowers Conti
	)	
COMMONWEALTH OF	)	United States Magistrate Judge
PENNSYLVANIA and THE	)	Cynthia Reed Eddy
ATTORNEY GENERAL OF THE	)	
STATE OF PA,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

On September 6, 2013, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 1) and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a Report and Recommendation on November 1, 2013 (ECF No. 8) recommending that the Petition for Writ of Habeas Corpus be dismissed as moot due to Petitioner's death during the pendency of this action. *Keitel v. Mazurkiewicz*, 729 F.3d 278 (3d Cir. 2013). The Report and Recommendation was mailed to Petitioner at his listed address. On November 19, 2013, the unopened envelope was returned to the Court with a handwritten notation "deceased" on the envelope *See* ECF No. 9. This is the second envelope mailed to Petitioner which has been returned to the Court unopened with a handwritten notation "deceased" on the envelope. *See* ECF No. 7.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 26th day of November, 2013:

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus is **DISMISSED** as moot due to Petitioner's death during the pendency of this action.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 8) is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

BY THE COURT:

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief, United States District Judge